

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAN WILLEM AARTS, PETRUS CAROLUS MARIA FRISSEN, and
FREDERICUS GERARDUS ANTONIUS

Application 09/904,077
Technology Center 2600



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 11, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing is identified below:

The Examiner's Answer (mailed February 17, 2006), cites U.S. Patent 6,058,081 (Schell), noted on page 3 of the Examiner's Answer under the heading "**(9) Grounds of Rejection.**" This reference was not included under the Section "**(8) Evidence Relied Upon**" as required.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. *See the Manual of Patenting Examining Procedure (MPEP) § 1207.02.*

Further review of the application has revealed that the Appeal Brief (filed December 19, 2005), is missing two required headings. The missing headings are the Evidence Appendix and the Related Proceedings Appendices. Appellants are hereby required to provide appendices as outlined in 37 C.F.R. § 41.37(c)(1)(ix) and (c)(1)(x).

Correction is required with respect to the above noted items.

Accordingly, it is *ORDERED* that the application is returned to the Examiner:

- (1) to issue and mail a PTOL-90 having the missing reference listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;
- (2) to provide the missing appendices as required by 37 C.F.R. § 41.37(c)(1)(ix) and (c)(1)(x) for the Appeal Brief filed December 19, 2005; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

PJN/hh